REMARKS

Drawings

The Patent Office objected to the drawings under 37 C.F.R. § 1.83(a) for not showing the downstream valves within the two or more nozzles according to claim 19. Applicant has submitted a replacement sheet for Figure 3, wherein Figure 3 has been included to illustrate the downstream valves (13, 14, 15) in each of the nozzles (2, 3, 4). Support for this amendment of Figure 3 can be found in original paragraph [0017] of Applicant's specification, wherein original paragraph [0017] states:

> Immediately downstream of the liquid measuring device no valves are provided. Instead, downstream valves are contained in the actual delivery nozzles 2, 3, 4.

M.P.E.P. § 608.04(a) states that "[m]atter not in the original specification, claims, or drawings is usually new matter." (emphasis added) Since the amendment to Figure 3 is fully supported by the original specification, the amendment does not add new matter. In view of the amendment of Figure 3, the objection to the drawings under 37 C.F.R. § 1.83(a) should be withdrawn.

Applicant has also amended Figure 3 to correct a typographical error for the numbering of the two refueling units from T1, T2 to 11, 12. Support for this amendment can be found in the first sentence of paragraph [0016] of the original specification.

Applicant has amended the specification to add numbering necessitated by the amendments to Figure 3 discussed above and to correct typographical errors. More specifically, Applicant amended the last sentence of paragraph [0016] to correct a typographical error wherein the two refueling units were numbered as T1, T2 instead of 11, 12. Applicant has also amended paragraph [0017] to add the reference numbers for the downstream valves 13, 14, 15.

Claim Rejections – 35 U.S.C. § 112

The Patent Office rejected claims 11-20 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, the Patent Office stated that the language "wherein no additional valves are located between said liquid measuring device and said two or more nozzles to control flow of fuel from said liquid measuring device to said two or more nozzles" and "wherein no additional valve are needed to control flow of said fuel between said liquid measuring device and said two or more nozzles" of claims 11 and 19,

respectively, is not supported by the specification as originally filed. Referring to original Figure 3 and original paragraph [0017] and of the specification:

> Immediately downstream of the liquid measuring device no valves are provided. Instead, downstream valves are contained in the actual delivery nozzles 2, 3, 4.

Thus, claims 11 and 19 are fully supported by the original specification, and the rejections of claims 11-20 under 35 U.S.C. § 112, first paragraph, are traversed.

Claim Rejections – 35 U.S.C. § 103(a)

The Patent Office rejected claims 11-20 under 35 U.S.C. § 103(a) as being unpatentable over Nanaji (U.S. Patent No. 5,630,528) in view of Kopl et al. (U.S. Patent No. 5,447,062).

The combination of Nanaji and Kopl fails to teach or suggest a fuel dispenser having a common liquid measuring device, wherein two or more downstream valves are located within corresponding nozzles and no additional valves are located between the liquid measuring device and the nozzles. Kopl discloses a flow meter having a screw spindle arrangement. Nanaji discloses a fuel dispenser having inlet valves (101-103), a meter (90), and outlet valves (111-113). However, the outlet valves (111-113) are located between the meter (90) and nozzles (71-73) and not within the nozzles (71-73). Nanaji also discloses actuating levers (81-83) within the nozzles (71-73) used in combination with the outlet valves (111-113). However, Nanaji fails to disclose downstream valves within the nozzles (71-73) and no additional valves being located between the meter (90) and the nozzles (71-73).

The Patent Office stated that Nanaji is silent with respect to the limitation "wherein no additional valves are located between said liquid measuring device and said two or more nozzles to control flow of fuel from said liquid measuring device to said two or more nozzles." The Patent Office further stated that "it would have been obvious to one having ordinary skill in the art at the time of the invention to have omitted any such valves in order to improve system reliability by omitting any unnecessary additional components." However, Nanaji only teaches or suggests the omission of the outlet valves (111-113) when the system includes one nozzle (See Figures 2, 3, and 4 as compared to Figures 6 and 7). Thus, it would not have been obvious to omit the outlet valves (111-113) when the system includes two or more nozzles.

Since the combination of Nanaji and Kopl fails to explicitly or inherently disclose a fuel dispenser including two or more upstream valves, a liquid measuring device, and two or more downstream valves within corresponding nozzles, wherein no additional valves are located between the liquid measuring device and the nozzles, claims 11-20 are allowable. Reconsideration of the application is respectfully requested.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By: _____

Steven N. Terranova
Registration No. 43,185
P.O. Box 1287
Cary, NC 27512
Telephone: (919) 654-4520

Date: October 15, 2003
Attorney Docket: 2400-422A

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL, IN AN ENVELOPE ADDRESSED TO: **COMMISSIONER FOR PATENTS, P.O. BOX 1450, ARLINGTON, VA 22313-1450**, ON 10/15/03
(Date of Deposit)

Jen Garrison
Name of Depositor

Jen Garrison
Signature

10/15/03
Date of Signature